ORDINANCE NUMBER 10-10553

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE I, DIVISION 2 OF THE SALINA CODE ADOPTING THE 2006 INTERNATIONAL RESIDENTIAL CODE AND LOCAL AMENDMENTMS.

BE IT ORDAINED by the Governing Body of the City of Salina, Kansas:

Section 1. That Division 2 of Chapter 8, Article I of the Salina Code is hereby amended as follows:

"DIVISION 2. ADOPTION OF RESIDENTIAL BUILDING CODE WITH AMENDMENTS

Sec. 8-31. International Residential Code adopted.
There is hereby adopted, by reference, by the city for the purpose of providing minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, location, operation, alteration, repair, maintenance, use and occupancy of all buildings and structures within the city and certain equipment specifically regulated therein, that certain building code known as the International Residential Code, recommended and published by the International Code Council for One- and Two-Family Dwellings, being particularly the 2006 edition including Appendix G, but not including any other appendices thereto, except as amended in this article of the Salina Code, of which not fewer than three (3) copies have been, and are now filed in the office of the city clerk and the same are hereby incorporated as fully as if set out at length herein and the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the city.
State law references: Authority to incorporate standard codes by reference, K.S.A. 12-3009 et seq.

Sec. 8-32. Amendment to Section R101.2 of the International Residential Code.
[Section R101.2 is hereby amended to read as follows:]
R101.2 Scope. The provisions of the International Residential Code for One- and Two-Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures.

Exception: The demolition of these structures shall be governed by Chapter 33 of the International Building Code.

Sec. 8-33. Amendment to Section R101.7 of the International Residential Code.
[*Section R101.7 is hereby amended to read as follows:]*
R102.7 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, Chapter 18 of the Salina Municipal Code or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

Sec. 8-34. Amendment to Section R105.1 of the International Residential Code.
[Section R105. is hereby amended to read as follows:]
R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Sec. 8-35. Amendment of Section R105.2 of the International Residential Code.
[Section R105.2 is hereby amended to read as follows:]
R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures, provided the floor area does not exceed 120 square feet (18.58 m2).
2. Fences not over 6 feet (1829 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways, platforms and decks not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment accessory to a one or two-family dwelling.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

Sec. 8-36. Amendment to Section R105.2.1 of the International Residential Code.
Section R105.2.1 is hereby deleted in its entirety

Sec. 8-37. Amendment to Section R105.3 of the International Residential Code.
[Section R105.3 is hereby amended to read as follows with subsections remaining unchanged:]
R105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the department of building safety for that purpose.
Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section R106.1.
5. For work to be performed by a contractor on or within a residential property originally constructed before 1978, the contractor shall provide evidence of compliance with Kansas law regarding notification of owners and occupants in accordance with forms and procedures promulgated by the building official.
6. State the valuation of the proposed work when the application is for an alteration or renovation.
7. Be signed by the applicant, or the applicant's authorized agent.
8. Give such other data and information as required by the building official.

Sec. 8-38. **Amendment to Section R106.3.1 of the International Residential Code**.
[Section R106.3.1 of the International Residential Code is hereby amended to read as follows:]

R106.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved in writing or by stamp. One set of construction documents so reviewed shall be retained by the building official.

Sec. 8-39. Amendment of Section R112 of the International Residential Code.
[Section R112 of the International Residential Code is hereby amended to read as follows:]
R112.1 General. The Building Advisory Board shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and

findings in writing to the appellant with a duplicate copy to the building official. See Article II, Chapter 8 of Salina Municipal Code

R112.2 Limitations on authority. Deleted
R112.2.1 Determination of substantial improvement in areas prone to flooding. Deleted
R112.2.2 Criteria for issuance of a variance for areas prone to flooding. Deleted
R112.3 Qualifications. Deleted
R112.4 Administration. Deleted

Sec. 8-40. Amendment to Section R302.1 of the International Residential Code.
[Section R302.1 is hereby amended to read as follows:]
R302.1 Exterior walls. Construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1. These provisions shall not apply to walls, projections, openings or penetrations in walls that are perpendicular to the line used to determine the fire separation distance. Projections beyond the exterior wall shall not extend more than 12 inches (305 mm) into the areas where openings are prohibited.

Exceptions:
1. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.
2. Detached garages accessory to a dwelling located within 2 feet (610 mm) of a lot line are permitted to have roof eave projections not exceeding 4 inches (102 mm).
3. Foundation vents installed in compliance with this code are permitted.
4. Walls of detached accessory structures, not containing habitable space, shall not be required to be fire-resistance rated when located three (3) feet or more from a lot line.

Sec. 8-41. Amendment to Section R303.1 of the International Residential Code.
[Section R303.1is hereby amended to read as follows:]
R303.1 Habitable rooms. All habitable rooms shall be provided with aggregate glazing area of not less than 8 percent of the floor area of such rooms. All habitable rooms, except habitable rooms in basements, shall be provided with natural ventilation. Such ventilation shall be through windows, doors, louvers or other approved openings to the outdoor air. Such openings shall be provided with ready access or shall otherwise be readily controllable by the building occupants. The minimum openable area to the outdoors shall be 4 percent of the floor area being ventilated.

Exceptions:
1. The glazed areas need not be openable where the opening is not required by Section R310 and an approved mechanical ventilation system is provided capable of producing 0.35 air change per hour in the room or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of 15 cubic feet per minute (cfm) (7.08 L/s) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom.
2. The glazed areas need not be provided in rooms where Exception 1 above is satisfied and artificial light is provided capable of producing an average illumination of 6 foot candles (6.46 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.
3. Use of sunroom additions and patio covers, as defined in Section R202, shall be permitted for natural ventilation if in excess of 40 percent of the exterior sunroom walls are open, or are enclosed only by insect screening.

Sec. 8-42. Amendment of Section R303.3 of the International Residential Code.
[Section R303.3 is hereby amended to read as follows:]
R303.3 Bathrooms. Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet (0.279 m2), one-half of which must be openable.

Exception: The glazed areas shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cfm (23.6 L/s) for intermittent

ventilation or 20 cfm (9.4 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside. Bathroom exhaust air ducts may terminate in an attic that is provided with ventilation conforming to the requirements of Section R806, provided further that such ventilation requirements may not be reduced by the installation of a vapor barrier.

Sec. 8-42. Amendment of Section R309.3 of the International Residential Code.
[Section R309.3 is hereby amended to read as follows:]
R309.3 Floor surface. Garage floor surfaces shall be of concrete or similar noncombustible and nonabsorbent materials.

Sec. 8-43. Amendment to Section R309.4 of the International Residential Code.
[Section R309.4 is hereby amended to read as follows:]
R309.4 Carports. Carports shall be open on at least two sides. Carport floor surfaces shall be of concrete or similar noncombustible and nonabsorbent materials. Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this section for garages.

Exception: Asphalt surfaces shall be permitted at ground level in carports.

Sec. 8-44. Amendment to Section R309.5 of the International Residential Code.
[Section R309.5 is hereby amended to read as follows:]
R309.5 Flood hazard areas. For detached garages located in flood hazard areas as established by Table R301.2(1), garage floors shall be:

1. Elevated to or above the design flood elevation as determined in Section R323; or
2. Located below the design flood elevation provided they are at or above grade on all sides, are used solely for parking, building access, or storage, meet the requirements of Section R323, and are otherwise constructed in accordance with this code.

Sec. 8-45. Amendment to Section R311.4.3 of the International Residential Code.
[Section R311.4.3 is hereby amended to read as follows:]
R311.4.3 Landings at doors. There shall be a floor or landing on each side of each exterior door. The floor or landing at the exterior door shall not be more than 1.5 inches (38 mm) lower than the top of the threshold. The landing shall be permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (2-percent).

Exceptions:

1. Where a stairway of four or fewer risers or 30 inches or less of elevation change is located on the exterior side of a door, other than the required exit door, a landing is not required for the exterior side of the door.
2. The exterior landing at an exterior doorway shall not be more than 73/4 inches (196 mm) below the top of the threshold, provided the door, other than an exterior storm or screen door does not swing over the landing.
3. The height of floors at exterior doors other than the exit door required by Section R311.4.1 shall not be more than 73/4 inches (186 mm) lower than the top of the threshold.

The width of each landing shall not be less than the door served. Every landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel.

Sec. 8-46. Amendment to Section R311.5.3 of the International Residential Code.
[Section R311.5.3 is hereby amended to read as follows:]
R311.5.3 Stair treads and risers.

R311.5.3.1 Riser height. The maximum riser height shall be 8 inches (196 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R311.5.3.2 Tread depth. The minimum tread depth shall be 9 inches (254 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder treads shall have a minimum tread depth of

9 inches (254 mm) measured as above at a point 12 inches (305) mm from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the greatest winder tread depth at the 12 inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R311.5.3.3 Profile. The radius of curvature at the leading edge of the tread shall be no greater than 9/16 inch (14 mm). A nosing not less than 3/4 inch (19 mm) but not more than 11/4 inch (32 mm) shall be provided on stairways with solid risers. The greatest nosing projection shall not exceed the smallest nosing projection by more than 3/8 inch (9.5 mm) between two stories, including the nosing at the level of floors and landings. Beveling of nosing shall not exceed 1/2 inch (12.7 mm). Risers shall be vertical or sloped from the underside of the leading edge of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted, provided that the opening between treads does not permit the passage of a 4-inch diameter (102 mm) sphere.

Exceptions:

1. A nosing is not required where the tread depth is a minimum of 11 inches (279 mm).
2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.

Sec. 8-47. Amendment to Section R311.5.6.3 of the International Residential Code.

[Section R311.5.6.3 is hereby amended to read as follows:]

R311.5.6.3 Handrail grip size. All required handrails shall be of one of the following types or provide equivalent graspability.

1. Type I. Handrails with a circular cross section shall have an outside diameter of at least 11/4 inches (32 mm) and not greater than 2 inches (51 mm). If the handrail is not circular it shall have a perimeter dimension of at least 4 inches (102 mm) and not greater than 61/4 inches (160 mm) with a maximum cross section of dimension of 21/4 inches (57 mm).
2. Type II. Handrails with a perimeter greater than 61/4 inches (160mm)shall provide a graspable finger recess area on both sides of the profile. The finger recess shall begin within a distance of 3/4 inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least 5/16 inch (8mm) within 7/8 inch (22mm) below the widest portion of the profile. This required depth shall continue for at least 3/8 inch (10mm) to a level that is not less than 13/4 inches (45 mm) below the tallest portion of the profile. The minimum width of the handrail above the recess shall be 11/4 inches (32 mm) to a <u>maximum of 2 3/4 inches</u> (70 mm). Edges shall have a minimum radius of 0.01 inches (0.25 mm).

Exception: Handrails for exterior stairs of 4 risers or less need not be provided with finger recesses.

Sec. 8-48. Amendment to Section R317.2.2 of the International Residential Code.

[Section R317.2.2 is hereby amended to read as follows:]

R317.2.2 Parapets. Parapets shall not be required for townhouses as an extension of common walls. Where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is more than 30 inches (762 mm) above the lower roof. The common wall construction from the lower roof to the underside of the higher roof deck shall not have less than a 1-hour fire-resistive rating. The wall shall be rated for exposure from both sides.

Sec. 8-49. Amendment to Section R318.1 of the International Residential Code.

Section R318.1 is hereby deleted in its entirety.

Sec. 8-50. Amendment of Section R324 of the International Residential Code.

Section R324 and all of its subsections are hereby deleted in their entirety.

Sec. 8-51. Amendment to Section R401.3 of the International Residential Code.

[Section R401.3 is hereby amended to read as follows:]

R401.3 Drainage. Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection so as to not create a hazard. Lots shall be graded so as to drain surface water away from foundation walls. The grade away from foundation walls shall fall a minimum of 2% within the first 10 feet (3048 mm).

Exception: Where lot lines, walls, slopes or other physical barriers prohibit 2% of fall within 10 feet (3048 mm), the final grade shall slope away from the foundation at a minimum slope of 5 percent and the water shall be directed to drains or swales to ensure drainage away from the structure. Swales shall be sloped a minimum of 2 percent when located within 10 feet (3048 mm) of the building foundation. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2 percent away from the building

Sec. 8-52. Amendment to Section R403.1 of the International Residential Code.
[Section R403.1 is hereby amended to read as follows with subsections remaining unchanged:]
R403.1 General. All exterior walls shall be supported on continuous solid or fully grouted masonry or concrete footings, wood foundations, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. The City of Salina standard "Residential Foundation Design" may be used for any design submitted under this code for structures greater than 1000 feet from the centerlines of the levees.

Exception: A one-story wood or metal frame building not used for human occupancy and not over 200 square feet may be constructed with walls supported on wood foundation plates laid directly on the ground when approved by the building official.

Sec. 8-53. Amendment to Section R403.1.4.1 of the International Residential Code.
[Section R403.1.4.1 is hereby amended to read as follows:]
R403.1.4.1 Frost protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extended below the frost line specified in Table R301.2.(1);
2. Constructing in accordance with Section R403.3;
3. Constructing in accordance with ASCE 32; or
4. Erected on solid rock.

Exceptions:

1. Protection of freestanding accessory structures with an area of 400 square feet (37 m2) or less, of light-framed construction, with an eave height of 10 feet (3048 mm) or less shall not be required.
2. Protection of freestanding accessory structures with an area of 400 square feet (37m2) or less, of other than light-framed construction, with an eave height of 10 feet (3048 mm) or less shall not be required.
3. Decks not supported by a dwelling need not be provided with footings that extend below the frost line. Footings shall not bear on frozen soil unless the frozen condition is permanent.

Sec. 8-54. Amendment to Section R404.1 of the International Residential Code.
[Section R404.1 is hereby amended to read as follows except that subsections 404.1.1 through 404.1.8 remain unchanged unless specifically amended elsewhere in this code:]
R404.1 Concrete and masonry foundation walls. Concrete and masonry foundation walls shall be selected and constructed in accordance with the provisions of Section R404 or in accordance with ACI 318, ACI 332,NCMATR68–A or ACI 530/ASCE 5/TMS 402 or other approved structural standards. When ACI 318, ACI 332 or ACI 530/ASCE 5/TMS 402 or the provisions of Section R404 are used to design concrete or masonry foundation walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for design, unless otherwise required by the state law of the jurisdiction having authority.

Sec. 8-55. Amendment to Section R404.1.7 of the International Residential Code.
[Section R404.1.7 of the International Residential Code is hereby amended to read as follows:]
R404.1.7 Backfill placement. Backfill shall not be placed against the wall until one of following conditions has been meet:

1. The wall has cured for a minimum of 7 days or,
2. The wall has sufficient strength and has been anchored to the floor above or,
3. The wall has been sufficiently braced to prevent damage by the backfill.

Exception: Bracing is not required for walls supporting less than 4 feet (1219 mm) of unbalanced backfill.

Compaction of backfill shall not be initiated until the wall has been anchored to the floor above or provided with temporary bracing.

Exception: Backfill against contiguous basement walls beneath garage floors may be compacted before the walls have been anchored to the floor above provided that the walls have cured for a minimum of 7 days.

Sec. 8-56. Amendment to Section R405.1 of the International Residential Code.

[Section R405.1is hereby amended to read as follows:]

R405.1 Concrete or masonry foundations. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below grade. Drainage tiles, , perforated pipe or other approved systems or materials shall be installed either inside or outside of the foundation and shall discharge by gravity or mechanical means into an approved drainage system. The top of open joints of drain tiles shall be protected with strips of building paper, and perforated pipe shall be covered with an approved filter membrane material. When installed outside of the foundation, the drainage tiles or perforated pipe shall be placed on a minimum of 2 inches (51 mm) of sand-gravel mixture soils according to the Unified Soil Classification System, Group I Soils, as detailed in Table R405.1 and covered with not less than 6 inches (153 mm)of the same material.

Exception: The pump and discharge piping for a drainage system designed to be discharged by mechanical means is not required when the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group I Soils, as detailed in Table R405.1 unless or until water is found to be infiltrating the system.

These requirements shall not be deemed to reduce any other more restrictive requirements that may be mandated by subdivision regulation or flood fringe construction.

Sec. 8-57. Amendment to Section R506.2.3 of the International Residential Code.

Section R506.2.3 is hereby deleted in its entirety.

Sec. 8-58. Amendment to Section R602.3.1 of the International Residential Code.

[Section R0602.3.1 is hereby amended to read as follows:]

R602.3.1 Stud size, height and spacing. The size, height and spacing of studs shall be in accordance with Table R602.3.(5).

Exceptions:

1. Utility grade studs shall not be spaced more than 16 inches (406 mm) on center, shall not support more than a roof and ceiling, and shall not exceed 8 feet (2438 mm) in height for exterior walls and load-bearing walls or 10 feet (3048mm) for interior non-load-bearing walls.
2. Studs more than 10 feet (3048 mm) in height which are in accordance with Table R602.1.3.
3. Nominal dimension 2" by 6", Grade #2 or better, Spruce/Pine/Fir studs not to exceed 16" on center may be used without lateral bracing up to 12 feet in height in walls supporting no more than a roof/ceiling load. The span of rafter/ceiling joist assemblies supported by such walls shall not exceed 16 feet nor shall the wall support trusses with more than 32 feet of clear span. Such walls may also support other minor accessory loads from roof projections or overhangs. The design loads of such roof/ceiling assemblies shall not exceed 20 pounds per square foot live load and 20 pounds per square foot dead load. The minor axis of the studs must be braced on at least one side by exterior wall sheathing or wall finish panels.

Sec. 8-59. Amendment to Chapters 11 through 40 of the International Residential Code.

Chapters 11 through 40 are hereby deleted in their entirety.

Sec. 8-60. Amendment to Section AG105 of Appendix G of the International Residential Code.
[Section AG105 of Appendix G is hereby amended to read as follows:]
AG105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. The top of the barrier for portable, on-ground pools shall be at least 42 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The top of the barrier for permanent pools shall be at least 72 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of all barriers shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a 2.25-inch (57 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm).
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).
8. Access gates shall comply with the requirements of Section AG105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
   8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and
   8.2. The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
9. Where a wall of a dwelling serves as part of the barrier for a permanent pool, one of the following conditions shall be met:
   9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or
   9.2. All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal house-hold activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or 9.3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.

10. Where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then:
    10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access, or
    10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AG105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere."

Section 2. That the existing Division 2 of Chapter 8, Article I of the Salina Code is hereby repealed.

Section 3. That this ordinance shall be in full force and effect from and after its adoption and 90 days after publication once in the official city newspaper.

Introduced: July 12, 2010
Passed: July 19, 2010

Aaron G. Peck, Mayor

[SEAL]
ATTEST:

Lieu Ann Elsey, CMC, City Clerk